



COUNTY OF SAN MATEO OFFICE OF THE SHERIFF

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ADDRESS ALL COMMUNICATIONS TO THE SHERIFF

October 23, 2014

Galen Underwood

[REDACTED]

[REDACTED]

Hand Delivered

Dear Mr. Underwood:

Please take notice that it is the decision of this office to dismiss you from your position of Deputy Sheriff effective today, October 23, 2014.

The grounds upon which this disciplinary action is being taken are in accordance with Section 4 of Civil Service Commission Rule XIII as follows:

- A. Absence Without Leave. Absence without leave shall mean any time an employee is absent from the workplace without authorization or without an explanation satisfactory to the appointing authority. This includes an employee's failure to report to work after a leave of absence has expired or after such leave of absence has been disapproved or revoked.
- J. Disrespectful or discourteous conduct toward a County officer or official, another employee, or a member of the public.
- K. Willful violation of any of the provisions of the County Charter, the County Ordinance Code, or of the Civil Service Commission Rules, relating to the conduct of County officers and employees.
- Q. Failure to follow policy (ies), procedure(s) or work rule(s), or negligence in the performance of one's duties.

And, sustained violations of Sheriff's Office General Orders Section 2-01, Standards of Conduct and Performance:

Section 2-01(3)

F. Employees shall not commit or attempt to *commit* any act, which is a violation of any State, Federal, County or City law, ordinance or regulation. Members also shall not engage in any activity or behavior, which will bring discredit upon the San Mateo County Sheriff's Office.

L. Employees will, at all times, conduct themselves in a manner that will not bring discredit upon the Sheriff's Office or subject the Sheriff's Office, fellow employees or themselves to any criticism, disgrace or public ridicule. Such conduct will be deemed conduct unbecoming an officer. Application will be equal in official and private acts.

M. Employees shall not make false statements when being questioned, interviewed or in submitting written reports. They shall not make false official reports or knowingly or willingly enter or cause to be entered in any department books, computer, record or report any inaccurate, false or improper information.

On September 26, 2013, Detectives from the Santa Clara County Sheriff's Office contacted our office and informed us that you had been arrested and you were in custody in the Santa Clara County Jail on numerous sexual abuse charges (288.S(A) PC/ Continuous sexual abuse of a child, 288A(C)(1) PC/ Oral copulation with a person under 14 years of age, 288A9B)(1) PC/ Oral copulation with a person under 18 years of age, 288(A) PC/ Lewd or lascivious acts with a child under 14 years of age, 288 A(B)(2) PC/ Oral copulation with a person under 16 years of age and 289(H) sexual penetration with a foreign object with the victim under 18 years of age), which resulted from molestation allegations made by [REDACTED] [REDACTED] [REDACTED] These incidents of sexual assault were initially reported to the victim's high school counselor and then later to Child Protective Services and the Santa Clara County Sheriff's Office.

You were then contacted by Captain John Quinlan and Sergeant Scott Kirkpatrick at the Santa Clara County Jail, where you were served with a notice that you were temporarily assigned to work at an alternate location pending the outcome of your administrative and criminal matters. You were also informed that because you were in custody at the Santa Clara County Jail, you were unable to meet the requirements of this assignment to work in an alternate location and therefore you were Absent without Leave (AWOL) effective September 26, 2013. The administrative investigation regarding this matter was put on hold pending the completion of the criminal investigation.

On November 21, 2013, Lieutenant Mark Robbins and Sergeant Scott Kirkpatrick attended the preliminary hearing in your criminal case. During the nearly eight hour preliminary hearing, numerous allegations of criminal conduct were made against you by [REDACTED] [REDACTED] [REDACTED] [REDACTED] has stated that the molestation happened frequently from the time she was in the sixth grade until your arrest (approximately five years). At the conclusion of the preliminary hearing, the Santa Clara County Judge found that there was sufficient evidence to hold you in custody in this case. Additionally, the Judge ruled against a reduction in bail. You have remained in custody on two million dollars bail since your arrest.

In February 2014, we received the completed investigation from the Santa Clara County Sheriff's Office. This report revealed additional evidence of criminal conduct by you that was not available at the preliminary hearing.

You were initially administratively interviewed regarding these events on April 16, 2014 and a follow-up administrative interview with you was held on July 23, 2014 with your attorney, Charles Smith,

present on your behalf for both of these interviews. During your administrative interviews you have denied the allegations [REDACTED] has brought forward. During your administrative interview you described your relationship with [REDACTED] as, "not great" and "I wouldn't say it was good at all. There was a lot of tension going on in the family. You attributed the tension in the family as a result of the family moving approximately a year prior to your arrest. You explained that you have five children and you believed [REDACTED] was the source of much of the contention in the household. You and [REDACTED] were constantly correcting [REDACTED] behavior as it related to [REDACTED].

During your administrative interview you were asked why you thought [REDACTED] would make allegations about you molesting her. You stated that it had to do with the people [REDACTED] was hanging out with at school. In particular, you did not like [REDACTED] one of [REDACTED] friends, because you did not like the way she acted and you felt she had an attitude. You then reported that as time passed, it "came to light" that [REDACTED] and [REDACTED] were more than friends and they were involved in a relationship. You stated that you were not comfortable with this and that you did not believe that [REDACTED] had noticed. Based on your concern, you told [REDACTED] that she could no longer see her friend [REDACTED].

You then stated that [REDACTED] told you that she had broken up with [REDACTED] but when school started in the fall of 2013, you noticed a significant change in [REDACTED] behavior. You reported that she was lying about where she was or where she was going and her behavior got worse as time passed. You said that you tried to reason with [REDACTED] and that [REDACTED] got involved in trying to correct her behavior. You stated that after you learned of [REDACTED] relationship, you decided not to tell [REDACTED] because she is very conservative and religious and you thought it would "crush her". You stated that you were more tolerant and understanding than [REDACTED] and you had gotten [REDACTED] to help keep [REDACTED] away based on other behavior, like the fact you had caught her in lies.

During your administrative interview you reported that you sustained a work related injury sometime in August 2013, so you were recovering and at home all the time. It was then that you realized that [REDACTED] was still involved with [REDACTED]. In your interview you stated, "[REDACTED] I mean that's what she is talking about, just like obsessively almost...to the point it's...there's nobody else in the world. [REDACTED]." You said [REDACTED] "hounded (you) to death" until you ultimately allowed [REDACTED] to go places with [REDACTED] if her parents were with them. You explained that you and [REDACTED] were often having arguments, which you described as angry arguments, but not out of control.

During your administrative interview you stated that on September 21, 2013, an argument began at the dinner table between you and [REDACTED]. [REDACTED] was present during this argument and you said something to the effect of I don't like all of the lesbian stuff you're involved in. You stated that this was the first time [REDACTED] became aware of the lesbian relationship between their [REDACTED] and [REDACTED] and this made [REDACTED] extremely angry. You described [REDACTED] as, "seethingly (sic) mad" ...she gave you a, "I'm going to fucking kill you kind of look." You reported that [REDACTED] was so angry that she just stopped talking and just stared at you with a "death stare". You stated that everything in the home was very tense and contentious after this argument and you and [REDACTED] had not been speaking from the argument on Sunday until Tuesday night.

During your administrative interview you reported that on Tuesday, September 24, 2013, you, [REDACTED] and [REDACTED] attended a back to school night at [REDACTED] high school. Afterward, you all grabbed dinner and did a bit of shopping before driving home. Upon your return to home, there was a Santa Clara County Deputy in your home talking to [REDACTED]. You reported that you were separated from your family and after several hours you were arrested and booked into jail.

You stated that you believe that [REDACTED] made up these allegations so you would never be in the way of her seeing [REDACTED]. You also stated that you believe that [REDACTED] manipulated [REDACTED]. You described [REDACTED] as physically intimidating and that she possibly bullied [REDACTED] into making these allegations. You stated that [REDACTED] made similar allegations against her own [REDACTED]. When you were asked why you thought [REDACTED] never changed her story or recanted the entire allegation, you stated that she held to her allegation because she got what she wanted. You reported that she is receiving money from the State of California as a victim of sexual abuse and she no longer has a [REDACTED] getting in the way of her living her life how she wants to.

During your administrative interview Sergeant Denton made the point that although you claim the allegations made by [REDACTED] are preposterous, there are things that indicate they are not. For example, you described [REDACTED] as argumentative and stubborn; you never described her as irrational or acting out of control. Through your own admission, [REDACTED] continued to try to get permission from you before she went to see her girlfriend. [REDACTED] also accompanied you and [REDACTED] to back to school night on the night you were arrested. You agreed that could be seen as another indication that [REDACTED] was acting rationally.

You were then asked to explain how this somewhat rational teenage girl transforms from a normal kid with problems, to a person that concocts unbelievable, super-detailed, chronological accounts of being sexually abused by her [REDACTED]. [REDACTED] did not seem to be exaggerating and she did not demonize you in her accusations. She recalled specific details about incidents which in our experience is not typical of someone who is making up a story. You responded that [REDACTED] was not as detailed as it seems with her allegations. You stated that many of her allegations were similar and you felt many of her details in the preliminary hearing were incorrect or admitted lies. You stated that you believe the allegations made by [REDACTED] were a strategically planned attack that [REDACTED] and her girlfriend planned for a long time.

In the months since the preliminary hearing, additional physical evidence surfaced during the criminal investigation. Santa Clara Detectives found several images on your cellular phone of a young pre-pubescent female between the ages of 6 and 9, wearing a bikini and posed in provocative positions. They also noted another image of a young female between the ages of 13 and 15 wearing a training bra looking down at her breast. During your administrative interview you explained that while you were working on patrol you contacted people during probation or parole searches and you would search their cellular phone. During those searches you would occasionally come across things of interest, such as websites, that you would later look up on your own cellular phone. You stated that you looked up the websites later since you did not want to do it while you were patrolling. You initially said, "I don't know that I purposely downloaded, is what I am trying to say." You later added, "So I start looking around and I do find some photos ...and downloading the, yeah. My intent was to find out what the hell is going on with this ...because, it's not like. . . It's borderline. How do I say it? It's borderline, for like...it's not really, like. . .it's not like you could say it's like child porn, but you can tell their younger, but they're clothed, but it's just kind of weird."

During your administrative interview, Sergeant Denton asked you if the entire website was like that. You responded, " o, that's what I'm trying to tell you. No, and then you click on another one, another link and it would be normal, like normal porn I guess, pictures. Sergeant Denton asked you to describe what you considered normal porn. You responded, "A normal one would be like, I mean anything from like normal, you know, adults having sex in a photo, you know what I mean."

You admitted that the images were downloaded away from work. You also admitted that you never discussed the discovery of the website you referred to, or the images themselves with your partners at work or your supervisor.

Additional physical evidence was discovered by the Santa Clara County Detectives after the preliminary hearing. A pair of [REDACTED] black underwear were seized by detectives and later examined at the Santa Clara County Crime Laboratory. Your semen was found by the crime lab on the crotch area of that pair of black underwear. [REDACTED] had directed the detectives to that particular pair of underwear, telling them that she was wearing them during the most recent instance of you sexually assaulting her. This pair of underwear was found in a clothes hamper with other [REDACTED] clothing.

When you were asked, during your administrative interview, about how your semen got onto the crotch area of [REDACTED] underwear, you stated, "Transference . .transference ...laundry transference. If you look at the initial amount in the lab report, or whatever they had, the amount is like one cell, one cell. Which is ...Ithink it was like one to five cells. I don't remember specifically, I don't have it in front of me, but it was a very minute amount, that would not normally be conducive with a discharge during sex or anything like that. It would be more conducive through transference, through laundry or from sitting on something or through anything." You further explained that you only had one TV in the house and it was in your bedroom, so the kids would go in your bedroom to watch TV. You stated, "It could have been transferred through the laundry, it could have been transferred through the bedding, it could have been transferred through the sofa."

Summary

On September 25, 2013, you were arrested pursuant to multiple detailed allegations of on-going sexual abuse made by [REDACTED] [REDACTED] The allegations were investigated by Santa Clara County Detectives and criminal charges were filed.

On November 21, 2013, a preliminary hearing was held in Santa Clara County Superior Court in which the victim testified and detailed the acts of sexual abuse committed by you. The judge who presided over the preliminary hearing found that there was probable cause to hold you to answer to the charges. Additionally, at this same court appearance, the judge heard a bail reduction argument by your attorney. After seeing the evidence presented at the time and hearing the argument from your attorney, the judge refused to lower your bail, which is set at two million dollars. You have remained in custody at the Santa Clara County Jail since your arrest. As a result, you have been unable to report to work and therefore AWOL since September 26, 2013, in violation of Civil Service Rule XIII (4)(A).

Additionally, you engaged the following acts that constitute conduct contrary to accepted standards of justice, disrespectful behavior, and failure to follow policy, in violation of Civil Service Rule XIII (4)(J), (K) and (Q) and Sheriff s Office General Orders (2-01)(3)(F) and (L).

As stated above, since the preliminary hearing, additional physical evidence was discovered during the criminal investigation. When you were asked during your administrative interview to explain how your semen got onto the crotch area of [REDACTED] underwear, you said, "Transference . .transference ... laundry transference." You did not question or deny that the semen was on the underwear, you only offered an explanation of why it was there. You concluded this part of your administrative interview by saying that only a small amount of your semen was found on [REDACTED] 's underwear.

When you were asked in your administrative interview about the presence of sexually inappropriate images on your cellular phone, you tried to explain how they were work related. However, you admitted that the images were downloaded away from work. You also admitted that you never discussed the

discovery of the website you referred to, or the images themselves, with your partners at work or your supervisor. Based on those facts, I find your assertion that the images on your cellular phone were work related to be false.

Additionally, in an interview conducted by a Santa Clara County Detective, [REDACTED] stated that since the sixth grade, you would tell her that her friends were lesbians. However, if [REDACTED] friends were your type, you would encourage [REDACTED] to hang out with them and bring them around the house. The images of young girls on your cellular phone corroborate the victim's assertion that you had an interest in young girls.

During the criminal investigation, [REDACTED] informed investigators that her [REDACTED] had tried to get her to recant her allegations against you. This was ultimately confirmed by an interview with [REDACTED]. [REDACTED] admitted in the interview with detectives that she had asked [REDACTED] if there was a way they could handle this away from the courts and jails. Upon hearing this, you interjected that you knew [REDACTED] had several conversations with [REDACTED] trying to get her help or counseling, but [REDACTED] would never try to dissuade [REDACTED] from telling the truth. This story, along with the fact that [REDACTED] never wavered from her allegations against you, greatly enhance the victim's credibility.

Due to the misconduct outlined in this letter, the department has lost the ability to trust you with regards to working in the capacity of a peace officer. Further, you have been AWOL since September 26, 2013 due to your current incarceration.

On October 14, 2014 Undersheriff Carlos Bolanos met with your attorney for your Skelly hearing. After considering all of the information presented, it is my decision to uphold the proposed disciplinary action. Therefore, I am ending your assignment to work in an alternate location, and I am dismissing you from County employment effective today, **October 23, 2014**.

Greg Munks, Sheriff

cc: Undersheriff Carlos Bolanos
Assistant Sheriff Trisha Sanchez
Assistant Sheriff Tom Gallagher
Captain John Quinlan, Support Services Division
Lieutenant Ed Barberini, Support Services Division
Donna Vaillancourt, Human Resources Director
Michelle Kuka, Employee Relations Program Manager
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